

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jae-Ryong BUM

Group Art Unit : 2641

Serial No : 10/617,763

Examiner :

Filed : July 14, 2003

For : HOST PROCESSING DEVICE USING EXTERNAL STORAGE MEDIUM

**PETITION EXPUNGE INFORMATION UNINTENTIONALLY SUBMITTED IN  
APPLICATION  
UNDER 37 C.F.R. § 1.59(b) & MPEP 724.05(II)**

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

Applicant respectfully petitions the Director of Technology Center 2600 to expunge information unintentionally submitted in an Information Disclosure Statement (IDS) on October 14, 2003 in the present application under 37 C.F.R. § 1.59(b) and MPEP 724.05(II).

More specifically, Applicant filed an Information Disclosure Statement (IDS) in accordance with the duty of disclosure under 37 C.F.R. § 1.56, § 1.97-1.98. In this IDS Applicant inadvertently and incorrectly cited what Applicant believed was a copending and commonly assigned patent application to the Examiner's attention. This document was identified in the Information Disclosure Statement as U.S. Patent Application No. 10/629,565 to SEO et al., entitled "Media Processing Device Using an External Storage Device", filed on July 30, 2003 (hereinafter referred to as the '565 document). In

accordance with 37 C.F.R. §1.98(a)(2)(iii), a copy of the '565 document was attached to the Information Disclosure Statement.

Subsequently, Applicant's representative discovered that the '565 document was not commonly owned with present application. The present application is assigned to the Nextway Co. Ltd.; and the '565 document is assigned to a different company. Thus it is respectfully requested that the IDS citing the '565 document and the '565 document both be expunged from the file of Application No. 10/617,763.

The Manual of Patent Examination and Procedure (MPEP) sets forth in section 724.05(II) that a petition to expunge may be filed provided that:

(A) the Office can effect such return prior to the issuance of any patent on the application in issue;

(B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;

(C) the information has not otherwise been made public;

(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;

(E) it is established to the satisfaction of the Commissioner that the information to be returned is not material information under 37 CFR 1.56; and

(F) the petition fee as set forth in 37 CFR 1.17(h) is included.

In compliance with 37 C.F.R. § 1.59(b) and MPEP 724.05, Applicant hereby notes that present application was on filed July 14, 2003. The present application has not received an Official Action as of the date of this petition and thus it is respectfully asserted that the Office can effect return of the document prior to the issuance of any patent on this application.

Further, as noted above, the information contained in the copy of '565 document was submitted unintentionally. The document was believed at the time of filing the IDS to have been commonly assigned. However, the document is in fact not commonly assigned. The error occurred based on an improper database search.

The failure to expunge the document and obtain its return would cause irreparable harm to the Applicant. In this regard, the document has been incorrectly characterized as commonly assigned when in fact it is assigned to another company. This statement in the IDS is inaccurate and the attachment of the '565 document is furthermore not proper. Failure to remove both the IDS and '565 document could confuse the ownership of each of the applications and may result in disclosure of confidential information.

Furthermore, to the best of Applicant's knowledge the information (i.e., the '565 document) has not otherwise been made public.

Petitioner hereby commits to retain the information of both the '565 document and IDS for the period of any patent with regard to which such information was submitted.


The information that is contained in both IDS and the '565 document are not material information under 37 CFR 1.56. The information is not a publication, is not commonly invented or assigned, and thus, is not prior art to the present application.

Finally, Applicant hereby includes the petition fee as set forth in 37 CFR 1.17(h).

According Applicant respectfully requests that the above-noted material be expunged from the application file and returned to the undersigned.

If there should be any questions, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
Jae-Ryong BUM

  
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January 7, 2004  
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